PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number
	24207-10075

Pursuant to 240 OG 45 and the *Legal Framework For EFS-Web*, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below.	Application Number	Filed
	10/815,071	March 31, 2004
on September 4, 2007	First Named Inventor	
Signature /Sabra-Anne R. Truesdale/	Stephen R. Lawrence	
Typed or printed name	Art Unit	Examiner
Sabra-Anne R. Truesdale	2163	Merilyn P. Nguyen

This request is being filed with a notice of appeal.

I am the

☐   applicant/inventor.

☐   assignee of record of the entire interest.
     See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒   *Total of __1 of 1__ form is submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal review is requested because the rejections in the June 4, 2007 Final Office Action are improper and without any factual or legal basis. Applicant respectfully requests that the Panel indicate that claims 1, 3-11, 13-28, 30-38, and 40-55 recite allowable subject matter.

I.   Status of the Claims

Claims 1, 3-11, 13-28, 30-38, and 40-55 are pending and stand rejected. Claims 1, 3-8, 11, 13, 14, 16-22, 28, 30-35, 38, 40-41, 43-49, and 55 are rejected under 35 USC § 102(e) as allegedly being anticipated by Vleet, U.S. Patent Application Publication No. 2005/0033803. Claims 9-10, 15, 36-37, and 42 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Vleet in view of Belfiore, U.S. Patent Application Publication No. 2002/0059425. Claims 23-25 and 50-52 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Vleet in view of Hrabik, U.S. Patent Application Publication No. 2002/0178383. Finally, Claims 26-27 and 53-54 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Vleet in view of Hrabik and in further view of Maxham, U.S. Patent Application Publication No. 2004/0187075. Additionally, claim 28 is rejected under 35 USC § 112, ¶ 1, as allegedly failing to comply with the written description requirement.

II.   Rejection of claim 28 under 35 USC 112

Claim 28 is rejected under § 112 as allegedly failing to comply with the written description requirement due to the use of the word "tangible." In the response after final filed July 23, 2007, Applicant amended claim 28 to replace the preamble phrase "tangible computer-readable medium" with "computer readable storage medium." Although the Advisory Action of August 7, 2007 stated that the amendment would not be entered for purposes of appeal, the

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supplemental Advisory Action of August 28, 2007 stated that the amendment would be so entered. Applicant submits that this amendment obviates the rejection.

III. Rejection of claims 1, 3-8, 11, 13, 14, 16-22, 28, 30-35, 38, 40-41, 43-49, and 55 under 35 USC 102(e) in view of Vleet

Independent claim 1 recites capturing and indexing an event associated with an article, and organizing related event data by creating and associating related event objects and second level related event objects. Specifically, claim 1 recites a method comprising:

> capturing an event associated with an article, wherein the event comprises event data;
> indexing the event, the indexing comprising extracting at least some of the event data;
> creating a related event object related to the event and based on at least a portion of the extracted event data, wherein the related event object is associated with a set of one or more related events;
> **creating a second level related event object comprising the related event object** and a set of one or more other related event objects;
> **associating the second level related event object, the related event object**, and the one or more other related events objects; and
> storing at least a portion of the extracted event data, the related event object, and the second level related event object.

Independent claims 28 and 55 recite similar limitations.

The claimed method thus describes the use of second level related event objects in connection with related event objects. A second level related event object **comprises** and **associates** related event objects, which in turn associate events. (Specification paragraphs 0037, 0006). As an example, in a case where the article is a web page, the captured event could be the viewing of the web page; the related event object could be associated with other events concerning the same web page, such as the printing of it; and the second level related event object could comprise the related event objects for the web page and for other web pages in the same web site. (Specification paragraphs 0017, 0019, 0029, 0040). The claimed invention is

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equally beneficial in numerous other situations, as well, such as for relating events across files and directories. (Specification paragraph 0041)

The claimed invention's use of a second level related event object beneficially provides the ability to describe an additional level of event relationships, such as not only describing the relationship of events associated with a single web page, but additionally describing the relationship of events occurring across each web page of a web site. This additional information allows more efficient and precise retrieval and analysis of event information because events are not stored in isolation, but with known relationships to other related events. As noted by paragraph 0005 of the specification as filed, such a technique allows for efficient searches of the resulting event information.

In contrast, Vleet, which focuses on storing individual events and allowing later querying of those individual events, fails to disclose tracking event relationships via second level event objects. Cited paragraph 0027 of Vleet, sentence 1, discloses that event data captured by the Vleet event history server reflects actions performed by users during browsing of a particular web site or set of web sites hosted by the web site system. However, this portion merely states that the *scope* of event capture is usually limited to those events arising from user interactions with the web site or set of web sites being monitored by the Vleet event capture system, as opposed, for example, to "external" web sites as noted in sentences 2 and 3. This disclosure merely reflects the fact that only the web server machines of the system being monitored have event reporting components, as described in paragraph 0025. Indeed, paragraph 0027 reveals nothing about how event objects are used to represent event relationships. Thus, Vleet paragraph 0027 does not reveal such a relationship of primary and secondary related event objects, but rather

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merely states the <u>source</u> of the events that are captured—i.e. web sites hosted by the web site system, which runs event reporting components,—with no disclosure that related event objects and second level related event objects are used to relate events together.

Further, Vleet paragraph 0028, as noted in response to the Office Action of December 14th, 2006, merely shows querying an event history server to retrieve event objects for the last 50 queries or the last 50 browse nodes for a particular user, but fails to disclose second level event objects associating first level event objects, which in turn associate events.

Thus, since Vleet fails to disclose the claimed second level event objects, it does not anticipate claims 1, 28, or 55.

IV. **Rejection of claims 9-10, 15, 36-37 and 42, 23-25 and 50-52, and 26-27 and 53-54 under 35 USC 103(a) in view of Vleet, Belfiore, Hrabik, and Maxham**

Belfiore, Hrabik, and Maxham all fail to remedy the deficiencies of Vleet described above with respect to independent claims 1, 28, and 55. Belfiore involves a federation of interacting servers, where the meaning of the communicated data is implied by a data schema. Paragraph 0142 discloses an event composition service that allows receiving related events, but this is merely a form of filtering or querying and fails to disclose related event objects, much less second level related event objects. Similarly, paragraphs 0146-0147 merely mention an events component capable of distributed eventing, and 0267 merely states that a notification can be delivered from an event object. None of these paragraphs disclose the claimed second level related event objects.

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Hrabik involves verifying the integrity of devices on a network. Hrabik paragraph 0056 states that events may be consolidated, but as with Belfiore, this is merely a form of event filtering, and fails to disclose the claimed second level event object.

Finally, Maxham involves a document management system employing clustering. Maxham paragraph 0036 discloses the elimination of duplicate documents but states nothing about events, much less second level event objects.

Thus, Belfiore, Hrabik, and Maxham, whether taken singly or in combination with Vleet or with each other, fail to disclose each and every limitation of the claimed invention.

V. __Summary__

Based on the foregoing, Applicant respectfully submits that each of the pending rejections under §§ 102 and 103 suffers from a clear deficiency. Accordingly, Applicant requests that the rejections of claims 1, 3-11, 13-28, 30-38, and 40-55 be withdrawn.

Respectfully Submitted,
Stephen Lawrence

Date: <u>September 4, 2007</u>   By: <u>/Sabra-Anne R. Truesdale/</u>

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